

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,)	
)	C.A. No. 06-188
Plaintiff,)	
v.)	
)	NON-ARBITRATION CASE
)	
HOENEN & MITCHELL, INC., a Delaware))	
corporation, BELLA VISTA)	JURY TRIAL DEMANDED
DEVELOPMENT, LLC, a Virginia)	
corporation, BELLA VISTA TOWNHOME)	
CONDOMINIUM ASSOCIATION, INC., a)	
Delaware Corporation, RE/MAX REALTY)	
GROUP, a Delaware franchise, and)	
WILLIAM J. MITCHELL, a individual,)	
)	
Defendants.)	

ANSWER FOR BELLA VISTA DEVELOPMENT, LLC

1. Defendant has insufficient information to admit or deny the averment.
2. Defendant has insufficient information to admit or deny the averment.
3. Admitted.
4. Admitted.
5. Defendant has insufficient information to admit or deny the averment.
6. Defendant has insufficient information to admit or deny the averment.

JURISDICTION

7. Defendant repeats answers to paragraphs 1 through 6.
8. Defendant has insufficient information to admit or deny the averment.

ALLEGATIONS

9. Defendant repeats answers to paragraphs 1 through 8.

10. Denied.

11. It is admitted that RE/MAX Realty was the agent for the property. It is further admitted that the defendant Mitchell was an agent of RE/MAX Realty. Defendant has insufficient information to admit or deny the balance of the averment.

12. Denied.

13. It is admitted that the defendant Bella Vista Development was the developer of the premises. The balance of the averment is denied.

14. Denied.

COUNT I

15. Defendant repeats answers to paragraphs 1 through 14.

16. Denied.

17. Defendant has insufficient information to admit or deny the averment.

COUNT II

18. Defendant repeats answers to paragraphs 1 through 17.

19. It is admitted that Bella Vista Development LLC was the developer of the premises. The balance of the averment is denied.

20. Denied.

COUNT III

21. Defendant repeats answers to paragraphs 1 through 20.

22. Denied.

23. Denied.

COUNT IV

- 24. Defendant repeats answers to paragraphs 1 through 23.
- 25. Denied.
- 26. Defendant has insufficient information to admit or deny the averment.

COUNT V

- 27. Defendant repeats answers to paragraphs 1 through 26.
- 28. Defendant has insufficient information to admit or deny the averment.
- 29. Defendant has insufficient information to admit or deny the averment.
- 30. Defendant has insufficient information to admit or deny the averment.

COUNT VI

- 31. Defendant repeats answers to paragraphs 1 through 30.
- 32. Negligence of the answering defendant is denied. Defendant has insufficient information to admit or deny the balance of the averment.
- 33. Defendant has insufficient information to admit or deny the averment.
- 34. Denied.
- 35. Defendant has insufficient information to admit or deny the averment.
- 36. Denied.
- 37. Defendant has insufficient information to admit or deny the balance of the averment.

AFFIRMATIVE DEFENSES

- 38. The complaint fails to state a cause of action against the answering defendant.
- 39. The accident was caused by the negligence of the plaintiff in that she failed to maintain a proper lookout for her own safety.

CROSS CLAIMS

Should there be any basis of liability against the answering defendant it is entitled to contribution from all defendants found liable.

CASARINO, CHRISTMAN & SHALK, P.A.

/s/ Stephen P. Casarino
STEPHEN P. CASARINO, ESQ
I.D. No. 174
800 N. King Street, Suite 200
Wilmington, DE 19899-1276
(302) 594-4500
Attorney for the Defendant Bella Vista
Development, LLC

DATED: April 11, 2006

CERTIFICATE OF SERVICE

I, Stephen P. Casarino, Esq., hereby certify that I have efiled at 800 North King Street, Suite 200, Wilmington, DE 19801, on this 11th day of April 2006, a true and correct copy of the attached Answer of Bella Vista Development, LLC to:

Andrea G. Green, Esquire
I.D. No. 2487
Doroshow, Pasquale, Krawitz & Bhaya
213 East DuPont Highway
Millsboro, DE 19966

CASARINO, CHRISTMAN & SHALK, P.A.

/s/ Stephen P. Casarino
STEPHEN P. CASARINO, ESQ
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